

TYLER DIVISION

Case No. 6:23-cv-560-JDK-JDL

OF THE UNITED STATES MAGISTRATE JUDGE

On November 5, 2024, Judge Love issued a Report recommending that the Court grant Defendant’s motion for summary judgment and that Plaintiff’s lawsuit be dismissed without prejudice to Plaintiff’s ability to timely refile. Docket No. 23. A copy of this Report was sent to Plaintiff’s last-known address but was returned as “undeliverable.” Docket No. 24. No objections have been received. Plaintiff has failed to file an updated mailing address or otherwise communicate with the Court in any way. *See* Loc. R. CV-11(d) (“A *pro se* litigant . . . is responsible for keeping the clerk advised in writing of his or her current physical address.”); Docket No. 8 at 5

(Plaintiff's amended complaint including a declaration stating that Plaintiff has the responsibility to keep the Court informed of his current mailing address).


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 23) as the findings of this Court.

It is therefore **ORDERED** that Defendant's motion for summary judgment (Docket No. 18) is **GRANTED** and this case is **DISMISSED** without prejudice.

So **ORDERED** and **SIGNED** this **26th** day of **November, 2024**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE